

### **REMARKS/ARGUMENTS**

Claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Nacheff et al., US 2005/0207562 A1, (hereinafter Nacheff et al. '562). Reconsideration of the rejection is respectfully requested.

Claims 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Nacheff et al. '562 and further in view of Nacheff, US 2002/0137545 A1, (hereinafter Nacheff '545). Reconsideration of the rejection is respectfully requested.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Nacheff '562 and further in view of Arqués et al., US 2004/0131083 A1. Reconsideration of the rejection is respectfully requested.

Independent claim 1 has been amended to provide, in part, for, "[a] mobile telephone device, comprising: ... a receiver operable to receive, by means of a remote access message received by mobile telephony, at least one instruction for operating on at least one piece of data contained in an array of a specified application ...." Independent claim 9 has been amended to provide, in part, for, "[a] method for managing data in arrays of applications stored in an integrated circuit card of a mobile telephony subscriber equipment, said card storing a subscriber identity module or a universal subscriber identity module, the method comprising the steps of: receiving a message from a remote access server by mobile telephony, the message including at least one instruction regarding at least one piece of data in one array of one application stored in the card ...." Antecedent basis for the amendments to independent claims 1 and 9 is found in the specification, for example, on page 1, lines 25-35, on page 3, lines 9-10, and on page 8, lines 9-11 and 27-30.

With regard to the rejection of independent claims 1 and 9, the Examiner indicates, on page 3, lines 14-15, of the present Office Action, that the AAPA "fails to teach an instruction and analyzed instruction; 'requested reference' ....," but then does not indicate how Nacheff et al. '562 supplies that deficiency. In the prior Office Action, however, mailed on November 16, 2006, (hereinafter "the prior Office Action"), the Examiner did indicate that, with regard to Nacheff et al '562, "the interactive display and proactive command are equated with 'instruction' and the 'requested reference' is equated with the actual act of addition, deleting or modifying of file,"

(prior Office Action, page 4, lines 10-12). Since the Examiner appears not to have responded in the present Office Action to Applicant's argument in the prior filed Amendment, dated March 16, 2007, against the contention of the Examiner that the "requested reference" of independent claims 1 and 9 is equivalent to the actual act of addition, deleting or modifying of a file, (see Amendment dated March 16, 2007, page 6, lines 13-19), that argument is set forth again as follows.

The Examiner contends that the "requested reference" of independent claims 1 and 9 is equivalent to the actual act of addition, deleting or modifying of a file, which the Examiner concedes are administration operations disclosed in Nachef et al. '562, (prior Office Action, page 4, lines 7-8). However, the "requested reference," as used in independent claims 1 and 9, is used for accessing the array based on the reference, and is not used for any operation such as addition, deletion or modification of a file, as disclosed in Nachef et al. '562. Such at least one operation on at least one piece of data in an array is separately claimed in independent claims 1 and 9.

To the extent that the Examiner continues to maintain, which he has not expressly done in the present Office Action, that "the interactive display and proactive command are equated with 'instruction'," (prior Office Action, page 4, line 10), Applicant respectfully submits that the interactive display and proactive command are not received by mobile telephony.

The invention in Nachef et al. '562 "concerns a method for the administration of a subscriber SIM card 3 inserted in the main smartcard reader of a mobile telephone of the type including a second smartcard reader, using an additional administrator smartcard temporarily inserted in this second reader," (Abstract, lines 1-5; emphasis supplied). Proactive commands are defined as commands from the programmable SIM cards to the mobile telephone terminal and can produce interactive displays on the screens of the mobile terminal, (paragraph [0006]). Since, as previously indicated, Nachef et al. '562 assumes that an administrator card 2 is inserted into a mobile telephone containing a subscriber SIM card 3, (see Fig. 1), to administer the SIM card, since the SIM card receives commands from the mobile telephone, (paragraph [0006], lines 1-5), and since the smartcard 2 can send proactive type commands to the mobile telephone, (paragraph [0067], lines 1-3), it appears that there are no instructions being received by mobile telephony, contrary to the requirement of amended independent claims 1 and 9.

This conclusion is reinforced by paragraphs [0105] and [0107] of Nachev et al. '562 which state that, "[0105] With the method according to the invention, it is possible in particular to use a standard mobile telephone since no modifications are required to the equipment. It complies fully with current norms and standards. It is therefore fully compatible with the known state of the art .... [0107] No other equipment is required, as with certain methods of the known art, since the auxiliary reader of the mobile telephone is used as receiver of the administrator card. Neither does it rely on downloads from remote servers, with the disadvantages inherent to this type of method, which were pointed out in the preamble of this description," (emphasis supplied).

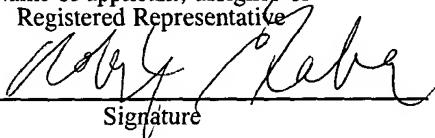
Since each of claims 2-8 and 10-15 is directly or indirectly dependent upon one of independent claims 1 and 9, each of claims 2-8 and 10-15 is allowable for the same reasons recited above with respect to the allowability of independent claims 1 and 9.

In view of the foregoing amendment and remarks, allowance of claims 1-15 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 6, 2007:

Robert C. Faber

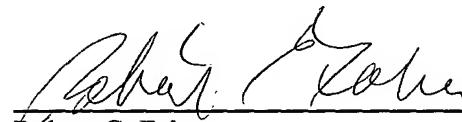
Name of applicant, assignee or  
Registered Representative

  
Signature

December 6, 2007

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF/MIM:lac